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OCWEN LOAN SERVICING, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA — SAN JOSE DIVISION

PHYLLIS SANDIGO,

Plaintiff,

vs.

OCWEN LOAN SERVICING, LLC and U.S.
BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR GSAA HOME EQUITY
TRUST 2007-3, ASSET BACKED
CERTIFICATES, SERIES 2007-3 and
DOES 1-100,

Defendants.

Case No. 5:17-cv-02727-BLF
Hon. Beth Labson Freeman
Ctrm. 3

**DEFENDANT OCWEN LOAN
SERVICING, LLC'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
OPPOSITION TO PLAINTIFF MOTION
FOR PARTIAL SUMMARY JUDGMENT**

Hearing Date: March 28, 2019
Time: 9:00 a.m.
Ctrm.: 3

Action Filed: April 11, 2017
Removal Date: May 11, 2017
Trial Date: August 19, 2019

In support of its opposition to plaintiff's motion for partial summary judgment, pursuant to Federal Rules of Evidence 201(b)(2) and (d), defendant Ocwen Loan Servicing, LLC respectfully requests that the Court take judicial notice of the following documents, true and correct copies of which are filed concurrently and labeled with exhibit numbers described below.

Exhibit 1:

Voluntary Chapter 13 Bankruptcy Petition Docket in the United States Bankruptcy Court, Northern District of California Case No. 11-58639 as of February 19, 2019.

Exhibit 2:

Proof of Claim filed as Document # 4-1 in the United States Bankruptcy Court, Northern District of California, Case No. 11-58639 on September 26, 2011

Exhibit 3:

Plaintiff's Chapter 13 Plan filed as Document # 4 in the United States Bankruptcy Court, Northern District of California, Case No. 11-58639 on September 15, 2011.

Exhibit 4:

Order Confirming Plan filed as Document # 14 in the United States Bankruptcy Court, Northern District of California, Case No. 11-58639 on November 25, 2011.

Exhibit 5:

Motion for Authorization to Modify Loan With Secured Lender, Ocwen Loan Serving, LLC filed as Document # 17 and Document # 17-1 in the United States Bankruptcy Court, Northern District of California, Case No. 11-58639 on February 15, 2012.

Exhibit 6:

Order Granting Motion for Authorization to Modify Loan With Secured Lender, Ocwen Loan Serving, LLC filed as Document # 24 in the United States Bankruptcy Court, Northern District of California, Case No. 11-58639 on March 9, 2012 and entered on March 9, 2012.

Exhibit 7:

Motion to Modify Chapter 13 Plan filed as Document # 31 and Document #31-1 in the United States Bankruptcy Court, Northern District of California, Case No. 11-58639 on October 16, 2013.

Exhibit 8:

1 Order Confirming Modified Chapter 13 Plan filed as Document # 34 and Document #34-1
2 in the United States Bankruptcy Court, Northern District of California, Case No. 11-58639 on
3 October 15, 2013.

4 **Exhibit 9:**

5 Motion to Modify Chapter 13 Plan filed as Document # 38 in the United States Bankruptcy
6 Court, Northern District of California, Case No. 11-58639 on September 24, 2015.

7 **Exhibit 10:**

8 Order Confirming Modified Chapter 13 Plan filed as Document # 41 and Document # 41-1
9 in the United States Bankruptcy Court, Northern District of California, Case No. 11-58639 on
10 October 19, 2015.

11 **Exhibit 11:**

12 Amended Proof of Claim filed in the United States Bankruptcy Court, Northern District of
13 California, Case No. 11-58639 on October 22, 2015 and identified and “Claim 4-2.”

14 **Exhibit 12:**

15 Notice of Final Cure Payment filed as Document # 47 in the United States Bankruptcy
16 Court, Northern District of California, Case No. 11-58639 on May 22, 2016.

17 **Exhibit 13:**

18 Statement In Response To Notice of Final Cure Payment filed in the United States
19 Bankruptcy Court, Northern District of California, Case No. 11-58639 On May 24, 2016 and
20 indicating that the total amount due to cure post-petition arrears was \$6,266.55.

21 **Exhibit 14:**

22 Notice of Mortgage Payment Change filed in the United States Bankruptcy Court,
23 Northern District of California, Case No. 11-58639 on August 5, 2016.

24 **Exhibit 15:**

25 Order of Discharge filed as Document # 53 and Document # 53-1 in the United States
26 Bankruptcy Court, Northern District of California, Case No. 11-58639 on October 14, 2016.

27 **Exhibit 16:**

November 8, 2006 Recorded Deed of Trust, securing a loan in the amount of \$369,000.00 to Joseph D. Sandigo and Plaintiff Phyllis T. Sandigo from Northern Pacific Mortgage Corporation on real property located at 3577 Lynx Drive, San Jose, California 95136, and which was recorded on November 17, 2006 in the Official Records of the Santa Clara County Recorder's Office as Document No. 19192983.

Exhibit 17:

Notice of Default and Election to Sell Under Deed of Trust which was recorded in the official records of the Santa Clara County Clerk Recorder's Office on March 1, 2017 as document number 23591498.

Exhibit 18:

Notice of Rescission of Notice of Default, rescinding the Notice of Default and Election to Sell recorded on March 1, 2017, which was recorded in the official records of the Santa Clara County Clerk Recorder's Office on April 19, 2018 as document number 23913694.

DATED: March 7, 2019

SEVERSON & WERSON
A Professional Corporation

By: /s/ Mary Kate Sullivan
Mary Kate Sullivan

Attorneys for Defendant OCWEN LOAN SERVICING,
LLC